

with such other information as shall be reasonably required by the Developer shall have been submitted to and approved in writing by the Developer. After the Developer has withdrawn, these powers shall vest in the Executive Committee hereinafter established. Additionally, the Executive Committee shall have all powers and authorities elsewhere conferred upon it under the terms and conditions of these covenants or the By-Laws of the Homeowners Association.

4.2 Committee Members. The Executive Committee shall be composed of three (3) members of the Homeowners Association, elected annually by the Homeowners Association. In the event of the failure or inability for any reason of a member to act, or any resignation from the Executive Committee, the vacancy created shall be filled by appointment by the remaining members of the Executive Committee. In the event that three (3) vacancies exist in the Executive Committee, the members of the Homeowners Association shall fill the vacancies by majority vote of the members of the Homeowners Association. For any matter to be disapproved, not less than three members of the Executive Committee shall join in voting to disapprove the same. In all other matters, except for the disapproval of matters, a simple majority of those voting shall govern.

4.3 Standards of Disapproval. After the Developer has withdrawn, the Executive Committee shall have the absolute and exclusive right to refuse to approve any building plan, specification, materials, design, lot grading or landscaping plan of any thing or structure which in the opinion of the Executive Committee are not suitable or desirable for any reason whatsoever, including purely aesthetic reasons and reasons connected with the future development plans of the Developer of contiguous land. In passing upon such matters, the Executive Committee may take into consideration the suitability of proposed materials, the quality or proposed workmanship, the harmony of external design with the surrounding neighborhood and existing structures therein, and the effect and appearance of such construction as viewed from neighboring properties; provided, however, that it shall not be necessary to obtain the approval of the Executive Committee for any structure which is to be erected and maintained wholly within and obscured by a utility area as hereinabove required.

4.4 Failure to Approve or Disapprove. In the event that the Executive Committee fails to approve or disapprove any matters within the scope of its authority within thirty (30) days after same have been submitted to it, or in any event, if no suit to enjoin such matters or thing has been commenced prior to completion or the doing of such matter or thing, such prior approval shall not be required and this covenant shall be deemed to have been fully complied with, and no suit or claim shall thereafter be available to the Executive Committee to the owner or any Real Property, or to the Developer.

4.5 Application Time. Applications for approval as required hereon shall be made to the Executive Committee or to any member thereof, which shall be the time for the running of said thirty (30) days from the date of submission.

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